

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

AUG 13 2009

CLINT TYRON BARGER,

Plaintiff,

vs.

JUSTIN JONES et al.,

Defendants.

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY W. K. DEPUTY

No. CIV-09-99-W

**ORDER**

On July 8, 2009, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this matter and recommended that the Court dismiss the action pursuant to Rule 4(m), F.R.Civ.P. Magistrate Couch also recommended that the Motion to Join as Plaintiff filed by nonparty Stephen Burnett, proceeding pro se, be denied as he had not asserted a claim that could properly be joined to the claims asserted by plaintiff Clint Tyron Barger. Barger was advised of his right to object to the Report and Recommendation, but no objections have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Couch's suggested disposition of this matter. Barger has taken no action to obtain service on the defendants in accordance with, and as required by, Rule 4, supra, and the Court finds no circumstances exist that warrant a permissive extension of time to effect service. E.g., Espinoza v. United States, 52 F.3d 838 (10<sup>th</sup> Cir. 1995).

The Court likewise concurs with Magistrate Judge Couch's recommendation that Burnett's request to join as a party plaintiff in this action be denied.

Accordingly, the Court

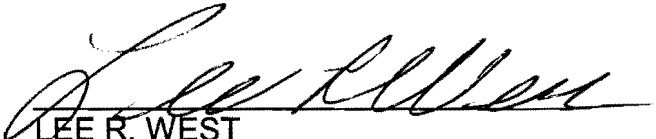
(1) ADOPTS the Report and Recommendation [Doc. 18] issued on July 8, 2009;

(2) DISMISSES without prejudice Barger's complaint file-stamped January 23, 2009;

and

(3) DENIES Burnett's Motion to Join as Plaintiff [Doc. 11] file-stamped May 13, 2009.

ENTERED this 13<sup>th</sup> day of August, 2009.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE